

1 Eugene B. Elliot, State Bar No. 111475  
2 Ethan M. Lowry, State Bar No. 278831  
3 Nicole L. Phillips, State Bar No. 306686  
4 BERTRAND, FOX, ELLIOT, OSMAN & WENZEL  
5 The Waterfront Building  
6 2749 Hyde Street  
7 San Francisco, California 94109  
8 Telephone: (415) 353-0999  
9 Facsimile: (415) 353-0990  
10 Email: [elliot@bfesf.com](mailto:elliot@bfesf.com)

11 Attorneys for Defendant  
12 NAPA VALLEY UNIFIED SCHOOL DISTRICT, ANNIE PETRIE,  
13 TROY MOTT, GERALD HARRIS and JESUS MARTINEZ  
14

15 UNITED STATES DISTRICT COURT  
16

17 NORTHERN DISTRICT OF CALIFORNIA  
18

19 B. DOE, a minor, by and through his Guardian,  
20 KERRIE WAGNER,  
21 Plaintiff,  
22

23 v.  
24 NAPA VALLEY UNIFIED SCHOOL  
25 DISTRICT; ANNIE PETRIE; TROY MOTT;  
26 GERALD HARRIS; JESUS MARTINEZ; J.T.;  
27 D.O.; B.B.; J.Z.; R.J.; JOHN TORRES;  
28 FLORA TORRES; and, DOES 1 through 100,  
inclusive,

Defendants.

Case No. 3:17-cv-03753-SK

**STIPULATION TO EXTEND TIME TO  
RESPOND TO COMPLAINT**

**Hon. Sallie Kim**

1 Plaintiff B. DOE, a minor, by and through his Guardian, KERRIE WAGNER filed his complaint  
2 in the above captioned action on June 29, 2017.

3 Defendants NAPA VALLEY UNIFIED SCHOOL DISTRICT (the “DISTRICT”); ANNIE  
4 PETRIE; TROY MOTT; GERALD HARRIS; and JESUS MARTINEZ (collectively “DEFENDANTS”)  
5 were served with the complaint on dates from approximately July 7, 2017 and July 12, 2017. Responsive  
6 pleadings were due between approximately July 28, 2017 and August 2, 2017.

7 Counsel for the DISTRICT, Ethan M. Lowry, previously met and conferred with Plaintiff’s  
8 counsel to obtain on behalf of the DISTRICT and the individually named DEFENDANTS extensions of  
9 time to respond to the complaint up to and including August 22, 2017 in order to allow final  
10 determinations to be made regarding representation of the individually named DEFENDANTS.

11 The parties acting by and through their counsel of record conducted a telephone conference call  
12 on Thursday, August 18, 2017 to meet and confer regarding DEFENDANTS’ anticipated motion to  
13 dismiss and grounds therefor. The parties are continuing to meet and confer regarding a potential  
14 amendment of the complaint in order to avoid the time and expense of a motion to dismiss. The parties  
15 therefore agreed it would benefit both sides for additional time to complete the meet and confer process  
16 before defendants filed their responsive pleading to the Complaint.

17 On August 18, 2017, the parties agreed to an extension of time to file a responsive pleading to  
18 August 29, 2017.

19 There has been one prior time modification in this case.

20 All parties thus hereby stipulate and agree that the time by which all DEFENDANTS may file  
21 and serve responses to the Complaint shall be extended from the current response date of August 22,  
22 2017 to August 29, 2017, pursuant to Northern District of California Local Rule 6-1.

23 Pursuant to Local Rule 6-1, this stipulation will not alter the date of any event or any deadline  
24 already fixed by Court in its Order Setting Initial Case Management Conference and ADR Deadlines.  
25 [Docket No. 4.]

26 //

27 //

28 //

1 It is so stipulated and agreed.  
2

3 Dated: August 21, 2017

BERTRAND, FOX, ELLIOT, OSMAN & WENZEL

4  
5 By: /s/ Ethan Lowry

Eugene B. Elliot  
6 Ethan M. Lowry  
7 Attorneys for Defendants  
8 NAPA VALLEY UNIFIED SCHOOL DISTRICT,  
9 ANNIE PETRIE, TROY MOTT, GERALD HARRIS  
10 and JESUS MARTINEZ

11 Dated: August 21, 2017

12 FLESHER SCHAFF & SCHROEDER, INC.

13 By: /s/ Jason Schaff

14 Jacob D. Flesher  
15 Jason W. Schaff  
16 Attorneys for Plaintiff  
17 B. DOE, a minor, by and through his Guardian,  
18 KERRIE WAGNER

**ATTORNEY ATTESTATION**

19 I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
20 conformed signature (“/s/”) within this E-filed document or have been authorized by plaintiff’s counsel  
21 to show their signature on this document as /s/.

22 Dated: August 21, 2017

23 By: /s/ Ethan Lowry  
24 Ethan M. Lowry